
SENATE CONCURRENT RESOLUTION

REQUESTING THE SENATE STANDING COMMITTEE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEE WHOSE PURVIEW INCLUDES CONSUMER PROTECTION TO CONVENE A LEGISLATIVE WORKING GROUP TO PROVIDE RECOMMENDATIONS FOR FAMILY NOTICE AND STANDARDIZED CONSENT PROVISIONS FOR PRE-NEED CONTRACTS GOVERNING CREMATION.

1 WHEREAS, advances in medical technology, including the use
2 of metal implants, are contributing to the increased quality and
3 longevity of life of the State's population; and
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5 WHEREAS, mortuaries are increasingly faced with the need to
6 dispose of metal implants after cremation; and
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8 WHEREAS, given the frequent use of cremation as the
9 preferred method for the final arrangement of the deceased, the
10 disposition of incombustible metal surgical implants represents
11 a new issue as metal implants are not included with the ash
12 remains returned to the family in an urn; and
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14 WHEREAS, mortuaries in the State do not uniformly request
15 families of the deceased for express written permission to
16 dispose of incombustible metal implants; and
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18 WHEREAS, incombustible metal surgical implants may include
19 gold, silver, platinum cobalt, palladium, platinum, and other
20 precious metals that may have monetary value when sold in bulk;
21 and
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23 WHEREAS, the promotion of ethical practices that require
24 communication and consent on the part of cremation service
25 providers prevents any potential misuse or unauthorized sale of
26 incombustible metal implants or precious metals therein; now,
27 therefore,
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1 BE IT RESOLVED by the Senate of the Thirty-third
2 Legislature of the State of Hawaii, Regular Session of 2025, the
3 House of Representatives concurring, that the Senate Standing
4 Committee and House of Representatives Standing Committee whose
5 purview includes consumer protection are requested to convene a
6 legislative working group to provide recommendations for family
7 notice and standardized consent provisions for pre-need
8 contracts governing cremation; and
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10 BE IT FURTHER RESOLVED that the working group is requested
11 to:

- 12
13 (1) Review mortuary operations in each county of the State
14 and other states whose practices include collection,
15 recycling, potential disposition, and sale of
16 incombustible metal surgical implants that generate
17 revenues;
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- 19 (2) Propose definitions for incombustible metal implants
20 that remain following cremation;
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- 22 (3) Recommend contract provisions that mortuaries in the
23 State may add to pre-need contracts that designated
24 family representatives sign to express their
25 preferences and decisions regarding the disposition of
26 metal implants that remain following cremation;
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- 28 (4) Report on current practices employed by mortuaries
29 that sell accumulated incombustible metal surgical
30 implants in bulk and report revenue generated from the
31 sale of incombustible metal surgical implants;
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- 33 (5) Recommend best practices for estate planners, senior
34 advocacy groups, and eldercare attorneys addressing
35 health care directives and last wills and testaments
36 in addressing decisions related to cremation services
37 and the disposition of metal implants, including
38 donations of income from disposed metal implants to a
39 designated nonprofit organization; and
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1 (6) Submit a report of its findings and recommendations to
2 the Legislature, including any proposed legislation,
3 by November 30, 2025; and
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5 BE IT FURTHER RESOLVED that the working group is requested
6 to consist of the following members:
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8 (1) One member from each of the Senate and House of
9 Representatives Standing Committees whose purview
10 include consumer protection, who are requested to
11 serve as co-chairs of the working group, to be
12 appointed respectively by the President of the Senate
13 or Speaker of the House of Representatives;
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15 (2) The Chief of the Environmental Health Services
16 Division of the Department of Health or their
17 designee;
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19 (3) The Executive Director of the Office of Consumer
20 Protection of the Department of Commerce and Consumer
21 Affairs or their designee;
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23 (4) Three individuals representing senior citizens and
24 family advocacy organizations, to be invited by the
25 co-chairs of the working group; and
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27 (5) Three individuals from the funeral industry,
28 representing the City and County of Honolulu and
29 neighbor island funeral operators, to be invited by
30 the co-chairs of the working group; and
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32 BE IT FURTHER RESOLVED that a community mediation center
33 affiliated with the Judiciary is requested to provide
34 facilitation and mediation support to the working group,
35 including assisting with the drafting of its report to the
36 Legislature; and
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38 BE IT FURTHER RESOLVED that certified copies of this
39 Concurrent Resolution be transmitted to the President of the
40 Senate, Speaker of the House of Representatives, Executive
41 Director of the Mediation Center of the Pacific, Director of
42 Commerce and Consumer Affairs, and Director of Health.

